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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Date of Decision:- 28.11.2024

Manish Kumar

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Amit Jhanji, Sr. Advocate with
Ms. Kudrit Kaur, Advocate,
Mr. Jaskaran Singh, Advocate and
Mr. Sahil Shehrawat, Advocate for petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

Mr. Tanvir Singh Grewal, Advocate for respondent No.2.

AMARJOT BHATTI, J.

1. Petitioner Manish Kumar has filed petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.45 dated 08.06.2024, under Section 279, 304 (offence enhanced by deleting Section 304A of IPC), 337, 427 of IPC, registered at Police Station Julkan, District Patiala (Annexure P-1).

2. As per facts of the case, Jagdish Chander alias Jaggi gave his statement that he is running a shop in the name of Manchanda Book Depot. On 03.06.2024, he along with his son after closing shop were going to Chana Mor for personal work. He was going on Activa Scooter No.PB-11-CG-3252 whereas his son Gaurav Manchanda was on Super Splendor Motorcycle No.PB11-AJ-4571 and was going ahead of him. At about 9:20



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PM when they reached in front of Behru Cement Store, Devigarh a white coloured Wagon-R car No. HR-35P-4446 came from front side driven by its driver towards wrong side at a high speed, rashly and negligently and hit the motorcycle of his son Gaurav Manchanda. As a result, he fell down on the road and his motorcycle was damaged. After causing the accident, driver of the car managed to escape. Later, he came to know the name of driver as Manish Kumar. The complainant took his son to Amar Hospital, Patiala where he succumbed to the injuries. With these allegations, present FIR has been registered. During investigation offence under Section 304 of IPC was added by deleting the offence under Section 304A of IPC.

3. Learned counsel for petitioner argued that in fact the facts of the case indicate as a case of rash and negligent driving. He was granted interim bail vide order dated 29.07.2024 and in pursuance of the same he has already joined the investigation. Said car involved in the accident is already taken into police possession. He is ready to abide by the terms of bail order. Therefore, his anticipatory bail petition may be allowed.

4. Learned counsel representing State assisted by learned counsel representing the complainant opposed the anticipatory bail petition. It is pointed out that petitioner was under the influence of some intoxicant. He had hit the vehicle twice. Regarding the accident CCTV footage is there. One pen drive is annexed as Annexure R-2. Learned counsel for complainant has also annexed still photographs of the said offending car as Annexure R-2/5. It is confirmed that petitioner had joined investigation on 06.08.2024 and the vehicle involved in the accident was also taken into police possession on 08.06.2024. It is pointed out that considering the



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manner of accident and its gravity, petitioner is not entitled to the relief of anticipatory bail.

4. I have considered the arguments and have gone through the record. As per facts of the case, it was present petitioner who drove his Wagon-R car No. HR-35P-4446 in a rash and negligent manner at a very high speed under the influence of some intoxicant and caused accident by going on the wrong side of the road. In this accident, Gaurav Manchanda who was coming on his motorcycle was seriously injured who ultimately succumbed to the injuries during the course of treatment. CCTV footage regarding this accident is also annexed with the status report. Offence under Section 304 of IPC was added later on. At the same time fact remains that present petitioner was granted interim bail by the Co-ordinate Bench vide order dated 29.07.2024 and in pursuance of this, petitioner has joined investigation on 06.08.2024. Offending car was also taken into police possession. Therefore, at this stage no purpose would be served by sending the petitioner behind the bars. He is ready to abide by the terms of bail order.

5. Considering the aforesaid factual position, *interim* bail already granted in favour of petitioner – Manish Kumar vide order dated 29.07.2024 stands confirmed, subject to the conditions as enshrined under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

7. Petition is accordingly allowed.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

28.11.2024

Sunil Devi

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No